

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Herbert Demond York, #3033,

C/A No.: 1:15-4305-RMG

Plaintiff,

vs.

ORDER

T. Johnson, sued in his individually and
official capacities,

Defendant.


RECEIVED
U.S. DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
2015 DEC 17 P 2:05

Herbert Demond York ("Plaintiff"), proceeding pro se, filed this action alleging a violation of his constitutional rights. On October 22, 2015, the court ordered Plaintiff to pay the \$350 filing fee or complete the enclosed Application to Proceed Without Prepayment of Fees and Affidavit (Form AO 240), to provide the service documents necessary to advance his case, and to complete, sign, and return the enclosed complaint form. [ECF No. 5]. Plaintiff was warned that the failure to provide the necessary information within a specific time period would subject the case to dismissal. *Id.* Plaintiff did not file a response. The court issued a second order on November 12, 2015, asking Plaintiff to pay the \$350 filing fee or complete the enclosed Form AO 240, to provide the service documents necessary to advance his case, and to complete, sign, and return the enclosed complaint form. [ECF No. 10]. Plaintiff was warned that the failure to provide the necessary information within a specific time period would subject the case to dismissal. *Id.* The time for response expired on December 7, 2015, and Plaintiff did not file a response. As Plaintiff has failed to prosecute this case and has failed to comply with an order of this

Court, the case is **dismissed *without prejudice*** pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962).

IT IS SO ORDERED.

December 16, 2015
Columbia, South Carolina



Richard M. Gergel
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.